

Vacant, 1st District  
Suja Lowenthal, 2nd District  
Gary DeLong, 3rd District  
Patrick O'Donnell, 4th District

Patrick H. West, City Manager  
Larry G. Herrera, City Clerk



Bob Foster, Mayor

Gerrie Schipske, 5th District  
Dee Andrews, 6th District  
Tonia Reyes Uranga, 7th District  
Rae Gabelich, 8th District  
Val Lerch, Vice Mayor, 9th District

Robert E. Shannon, City Attorney

**CITY COUNCIL SUPPLEMENTAL AGENDA  
FOR THE MEETING OF MARCH 17, 2009**

This Supplemental Agenda contains corrections and additions, which were posted more than 72 hours in advance of the above meeting date.

**REQUEST:**

The Mayor's office requests the addition of a Presentation as follows:

**PRESENTATION ON LONG BEACH BICYCLE FESTIVAL**

**HEARING:**

1. 09-0263

**REQUEST:**

The City Manager requests that the revised attachment to the staff report for Agenda Item No. 1 be distributed for the City Council meeting of March 17, 2009. Recommended action remains the same.

Recommendation to receive supporting documentation into the record, conclude the hearing and approve one of the following actions: 1) grant the Permit, with or without conditions; or 2) grant a One-Year Short-Term Permit, with or without conditions; or 3) deny the Permit on the application of Panama Joe's, Inc., dba Panama Joe's Cafe, 5100 E. Second Street, for Entertainment Without Dancing by Patrons at an existing Restaurant. (District 3)

**Office or Department:** FINANCIAL MANAGEMENT

**Suggested Action:** Approve recommendation.

## REGULAR AGENDA

### DEPARTMENTAL COMMUNICATIONS:

12. 09-0287

**REQUEST:**

Councilmember Suja Lowenthal, Second District, requests that an additional attachment pertaining to Agenda Item No. 12 be distributed for the City Council meeting of March 17, 2009. Recommended action remains the same.

Recommendation to receive and file report on the actions taken at the Metropolitan Water District Board meeting held on March 10, 2009.

**Office or Department:** COUNCILMEMBER SUJA LOWENTHAL,  
SECOND DISTRICT

**Suggested Action:** Approve recommendation.

### ORDINANCE:

18. 09-0277

**REQUEST:**

The City Attorney requests that the revised Exhibit A to the Ordinance for Agenda Item No. 18 be distributed for the City Council meeting of March 17, 2009. The recommended action remains the same.

Recommendation to declare ordinance relating to a small, very small and local small business enterprise pilot program for certain City contracts with specified City departments, and making a determination related thereto read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

**Office or Department:** CITY ATTORNEY

**Suggested Action:** Approve recommendation.

**SUPPLEMENTAL AGENDA (ADDITION)**

20. 09-0300      Recommendation to direct City Manager to allocate all future Citywide-eligible funds for residential street repairs according to the following formula:
- 1) Half of the funds will be divided equally among the nine Council Districts;
  - 2) The remaining half of these funds will be distributed among the nine Council Districts according to each District's percentage of Citywide need, as determined by the total dollar value for streets with a Pavement Condition Index (PCI) below 70 according to current 10-year plan for repairs or the most current available assessment of need.
- Office or Department:** COUNCILWOMAN RAE GABELICH, EIGHTH DISTRICT; COUNCILWOMAN GERIE SCHIPSKE, FIFTH DISTRICT; COUNCILMEMBER TONIA REYES URANGA, SEVENTH DISTRICT; VICE MAYOR VAL LERCH, COUNCILMEMBER, NINTH DISTRICT
- Suggested Action:**      Approve recommendation.

adb



**City of Long Beach Memorandum**  
*Working Together to Serve*

## REQUEST TO ADD AGENDA ITEM

**Date:** *March 13, 2009*

**To:** Larry Herrera, City Clerk

**From:** *Mayor Foster*

**Subject:** Request to Add Agenda Item to Council Agenda of *March 17, 2009*

Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

***Presentation on Long Beach Bicycle Festival***

Council District	Authorizing Councilmember	Signed by
9	Val Lerch	James Coman for Val Lerch
4	Patrick O'Donnell	Mike Smith for Patrick O'Donnell
5	Gerrit Schipke	GS

CC: Office of the Mayor





# CITY OF LONG BEACH

# H-1

DEPARTMENT OF FINANCIAL MANAGEMENT

333 WEST OCEAN BOULEVARD • LONG BEACH, CALIFORNIA 90802

## SUMMARY OF APPLICATION FOR BUSINESS PERMIT

Attached for your review and action is an application for Panama Joe's, Inc., DBA Panama Joe's Cafe. Also attached are reports from various departments stating their recommended disposition of the subject application. These are summarized as follows:

### SUBMITTED FOR CITY COUNCIL ACTION

	<u>Without Concern</u>	<u>With Conditions</u>	<u>With Concerns</u>
Police Department		X	
Fire Prevention Bureau	X		
Health and Human Services Department/Noise Control		X	
Development Services Department		X	

Questions concerning the above may be directed to the following:

Police Department, Chief of Police .....	570-7301
Fire Department, Fire Prevention Bureau .....	570-2500
Health and Human Services Department, Noise Control.....	570-4130
Development Services Department.....	570-6623

Compiled by: Department of Financial Management  
Business Relations Bureau



# CITY OF LONG BEACH

DEPARTMENT OF FINANCIAL MANAGEMENT

333 West Ocean Boulevard • Long Beach, CA 90802 • (562) 570-5700 • Fax (562) 570-6867

COMMERCIAL SERVICES DIVISION

## FIVE YEAR HISTORY OF BUSINESS ESTABLISHMENT 5100 E 2<sup>nd</sup> Street

Panama Joe's Inc  
DBA: Panama Joe's Cafe  
Lic#20858230  
12/08 – Pending

Entertainment Without Dancing

Panama Joe's Inc  
DBA: Panama Joe's Cafe  
Lic#20858210  
12/08 – Pending

Restaurant With Alcohol

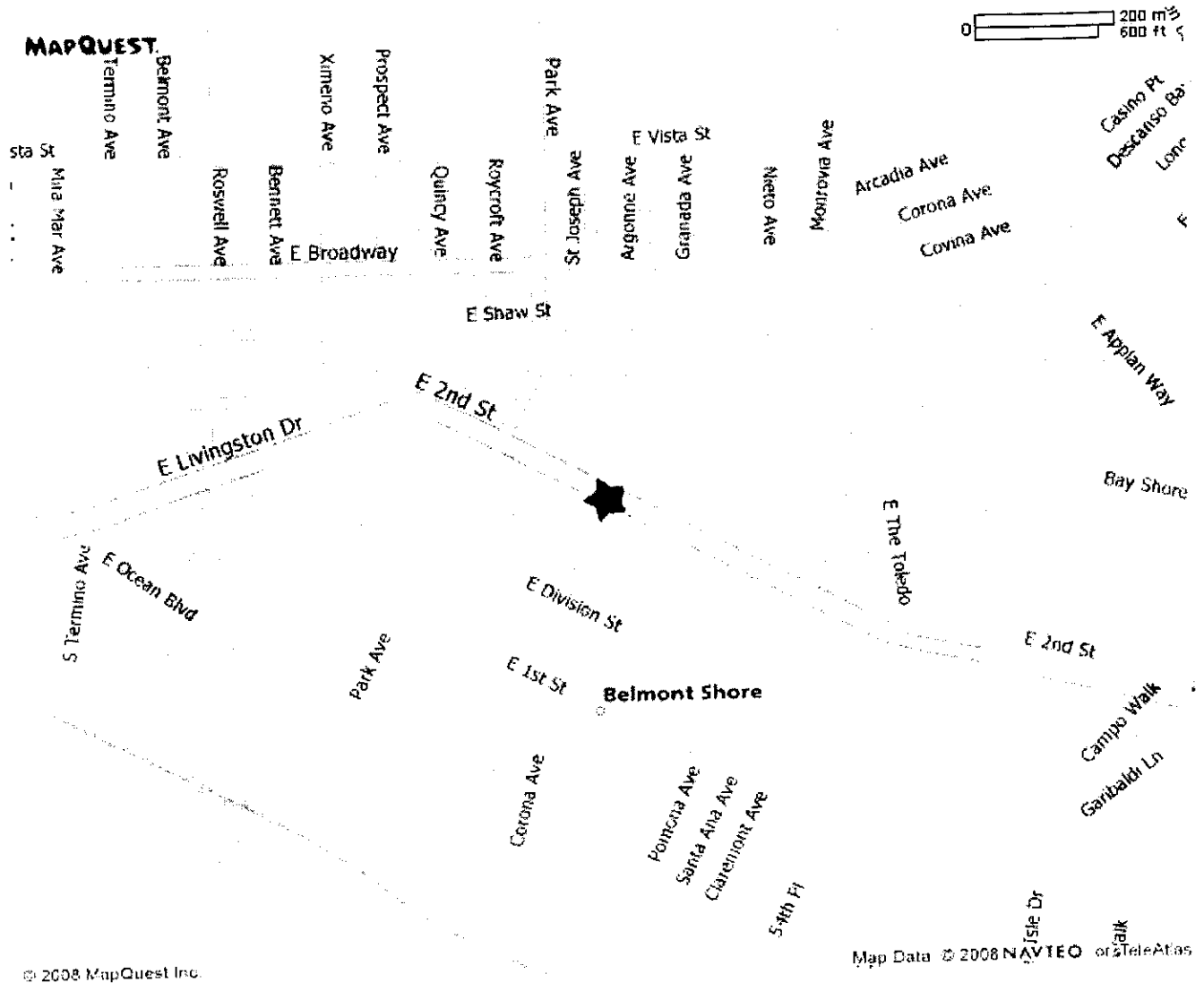
Panama Joe's Café Inc  
Lic#04047750  
12/79 – Active

Entertainment Without Dancing

Panama Joe's Café Inc  
Lic#04030350  
11/79 – Active

Restaurant With Alcohol

# 5100 E 2<sup>nd</sup> Street Panama Joe's Café





CITY OF LONG BEACH BUSINESS LICENSE APPLICATION  
Fourth Floor, City Hall  
333 W. Ocean Boulevard, Long Beach, CA 90802

www.longbeach.gov  
(562) 570-6211

GENERAL INFORMATION					
OWNER'S NAME (or corporate name, partnership name, or partners) <u>Manana Joe LLC</u>		DRIVER'S LICENSE NUMBER	STATE <u>CA</u>	SOCIAL SECURITY NUMBER	
BUSINESS NAME (D.B.A.) <u>Manana Joe Cafe</u>		TYPE OF BUSINESS (Be specific) <u>Entertainment</u>		HOME OCCUPATION <input type="checkbox"/>	
BUSINESS ADDRESS <u>15100 E Second St</u>		STREET <u>Long Beach</u>	CITY <u>Long Beach</u>	STATE <u>CALIF</u>	ZIP <u>90803</u>
BILLING ADDRESS (if different)		STREET	CITY	STATE	ZIP
RESIDENCE ADDRESS (if different)		STREET	CITY	STATE	ZIP
LIST OF PRINCIPAL OFFICERS' OR PARTNERS' NAMES AND RESIDENTIAL ADDRESSES (IF MORE, PLEASE ATTACH A LIST)		TITLE		% OWNERSHIP	
<u>Manana Joe LLC</u>				<u>51%</u>	
		TITLE		% OWNERSHIP	
<input type="checkbox"/> New Business <input type="checkbox"/> Address Change <input checked="" type="checkbox"/> Ownership Change <input type="checkbox"/> Secondary License <input type="checkbox"/> Sole Owner <input type="checkbox"/> Partnership <input checked="" type="checkbox"/> Corporation <input type="checkbox"/> LLP <input type="checkbox"/> LLC					
BUSINESS OPERATIONS INFORMATION					
START DATE <u>OCT 6TH 2008</u>	NO. OF EMPLOYEES <u>40</u>	NO. OF VEHICLES <u>0</u>	FEDERAL TAX ID NUMBER		STATE TAX ID NUMBER
Does your business have a Calif State Lic? <input checked="" type="checkbox"/> Y <input type="checkbox"/> N					
STATE LICENSE NUMBER		CLASSIFICATION(S)		RENEWAL DATE	
		<u>47</u>		<u>AUG 31ST 2009</u>	
FOOD / ALCOHOL / TOBACCO / ENTERTAINMENT			SERVICES / FUND RAISING		
Do you plan to sell or serve food? (including pre-packaged) If serving food, how many seats?: <u>165</u>			<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		
Do you plan to sell wholesale food?			<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Do you plan to sell or serve alcoholic beverages			<input checked="" type="checkbox"/> Y <input type="checkbox"/> N		
If yes, ABC License number: <u>47-148340</u>			Will you offer massage, tanning, body-wrap, escort or other similar personal services?		
Does your business involve amusement machines, video games, vending machines, jukebox and/or pool tables?			<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
How many: _____ Type: _____ Owner: _____			Will you provide a towing service?		
Do you plan to sell tobacco products or tobacco paraphernalia?			<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Will you have:			Will you engage in fund raising?		
<input checked="" type="checkbox"/> Music <input type="checkbox"/> Dancing <input checked="" type="checkbox"/> Performers <input type="checkbox"/> Adult Entertainment			<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
Will you deal in coins, stamps, firearms, jewels, or second-hand property?			<input type="checkbox"/> Y <input checked="" type="checkbox"/> N		
BUILDING AND FACILITY INFORMATION					
Property Owner's Name: <u>LEE ASSOCIATES LLC</u>					
Business sq. ft.: <u>5,000</u> Warehouse on site? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N					
Do you: <input type="checkbox"/> Own or <input checked="" type="checkbox"/> Rent/Lease your business property?					
Does your business require construction and/or remodeling? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N					
HAZARDOUS MATERIALS / MEDICAL WASTE					
Will you use, store, or transport chemicals (new or waste state)? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N					
Will you manage or produce bio-hazardous materials or waste? <input type="checkbox"/> Y <input checked="" type="checkbox"/> N					
ACKNOWLEDGMENT					
I understand that before I can operate my business in Long Beach, my establishment must comply with applicable City departmental laws and regulations completely and obtain a business license or I will be in violation of L. B. M. C., Section 3.80. I declare, under penalty of perjury, that I am authorized to complete this application. To the best of my knowledge and belief, the provided information and statements are true and correct.					
• SIGN and return this statement with your remittance. • Make checks payable to City of Long Beach					
OWNER(S) OR AUTHORIZED AGENT					
Signature <u>[Signature]</u>		Date <u>12/31/14</u>		PRINT NAME/TITLE <u>JOE MANANA DIRECTOR</u>	
Signature _____		Date _____		PRINT NAME/TITLE _____	
DO NOT WRITE BELOW THIS LINE					
Inspection(s): <input type="checkbox"/> Bldg <input type="checkbox"/> Fire <input type="checkbox"/> Health <input type="checkbox"/> HazMat <input type="checkbox"/> PD <input type="checkbox"/> Other <u>Restaurant w/ Alcohol</u>					
Basic Tax \$ _____					
Employees # _____ @ \$ _____ = _____					
Vehicles # _____ @ \$ _____ = _____					
Other # _____ @ \$ _____ = _____					
PIA \$ _____					
PIA Employees # _____ @ \$ _____ = _____					
Regulatory \$ _____					
Investigation \$ _____					
Misc. Fees <u>Labels, Temp Permit</u> <u>1000.00</u>					
Sub Total <u>408.00</u>					
Zoning <u>1200</u>					
Building Review <u>200</u>					
Total \$ <u>1502.00</u>					
District <u>200521</u>					
SIC: <u>5813</u>					
Entered by <u>[Signature]</u>					
Date <u>12/31/14</u>					
BU <u>20858230</u>					
Zoning Review <input checked="" type="checkbox"/> Y <input type="checkbox"/> N <input type="checkbox"/> N/A					
By: <u>[Signature]</u>					
Date: <u>12/31/14</u>					
<input type="checkbox"/> New construction <input type="checkbox"/> Reuse					
Zone: _____					
Comments: _____					

NOTE: THIS IS NOT A BUSINESS LICENSE: DO NOT OPERATE UNTIL A VALID LICENSE HAS BEEN ISSUED THIS INFORMATION IS AVAILABLE IN AN ALTERNATIVE FORMAT BY CONTACTING (562) 570-6211





Accepted By: Sharon O'Hara Date: 12/30/08  
Zoning Approval By: [Signature] Date: 12/30/08

### APPLICATION FOR ENTERTAINMENT PERMIT

(Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): Panama Joes Inc  
Business Name (DBA): Panama Joes Cafe Business Phone: 562-434-7417  
Business Site Address: 5100-02 E Second St., Long Bch, CA 90803  
Date Business Proposes To Open: Currently operating  
Days & Time Premises Are Open For Inspection: Monday thru Friday 11am - 4pm

Proposed Use(s):

Entertainment/Restaurant With Dancing ☐ Without Dancing ☒

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Social Club ☐ Pool or Billiard Hall ☐ Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

Restaurant & Lounge with live entertainment

Contact Person(s) Name (authorized agent, manager, etc.): Greg Newman

Contact Person(s) Phone Number: (310) 989-7618

Type of Organization:

☒ Corporation ☐ Partnership ☐ Individual ☐ Unincorporated Association or Club  
☐ Trust ☐ LLC ☐ Other, explain: \_\_\_\_\_

<input type="checkbox"/> Building	<input type="checkbox"/> Fire	<input type="checkbox"/> Health	(Check Inspecting Department)	Date Received: _____
<input type="checkbox"/> Building/Location meets Department Requirements for the proposed use.				
<input type="checkbox"/> Building/Location meets Department Requirements for the proposed use subject to the following conditions: _____ _____				
<input type="checkbox"/> Building/Location does not meet Department requirements for the proposed use.				
Inspection Completed On (date): _____ By: _____				
<b>POLICE DEPARTMENT</b>				
<input type="checkbox"/> Police Department finds no for basis for denial				
<input type="checkbox"/> Police Department finds basis for denial				
<input type="checkbox"/> Police Department finds no for basis for denial with conditions				
Conditions or Basis for Denial: _____ _____ _____				
By: _____ Title: _____ Date: _____				

Principal place of business (if other than the address listed on page 1):

Same

Fictitious business names(s) or dba(s) used:

Panama Joes Cafe

Place and date of filing fictitious business name statement:

Long Bch CA 1978

County(ies) in which fictitious name statement is (are) filed:

Los Angeles County

Names and address of all agents and employees authorized to negotiate or otherwise represent individual in connection with any transaction with the City of Long Beach:

Greg Newman, Lisa C Newman, Ron Newman  
Rick Loomis.

Name and address of person (agent) authorized to accept service of process in California:

Lisa Newman

State whether you are licensed by any governmental agency to engage in any business. If so, list each such license held, the city in which held, and expiration date thereof:

ABC licences for restaurants held in various beach communities

Is this applicant a subsidiary of a present corporation or business?  
If yes, explain:

☐ YES

☒ NO

How long has the corporation or business been in operation?

Since 10/30/1978

Is the location: Owned? ☐ Rented/Leased? ☒

If Rented/Leased, state the name and address of property owners:

Name:

LEC

Address:

1218 South Hills Dr

Wenatchee, WA 98801

### IF APPLYING AS A CORPORATION

Check One Box:

☒ For-Profit Corporation

☐ Non-Profit Corporation

(If a Non-Profit Corporation, please attach copies of both State and federal Tax Exemption Certificates)

Name of Corporation:

Panama Joes Inc

Corporation Number:

901038

Date and Place of Incorporation:

10/20/78, Long Bch CA

Location Headquarters:

Long Bch. CA

Please attach certified copies of Articles of Incorporation and By-Laws, and all amendments thereto this application.

Name and Residence Address of Corporation Officers (members of the executive board):

Name	Title	Address	Telephone
<u>Rick Loomis</u>	<u>President</u>	[REDACTED]	[REDACTED]
<u>Lisa Newman</u>	<u>CFO/Secretary</u>	[REDACTED]	[REDACTED]

Numbers of shares issued by Corporation:

50

Number of share retained by Corporation:

0

Name and addresses of shareholders, if ten (10) or less state also the number and type of shares:

Panama Joes Investors LLC [REDACTED]  
Richard Loomis [REDACTED]  
[REDACTED]  
[REDACTED]

Name and address of agent for service of process designated by Corporation with the Secretary of State of California:

Lisa Newman [REDACTED]  
[REDACTED]

## IF APPLYING AS A CORPORATION

INFORMATION IS REQUESTED FOR POLICE DEPARTMENT IDENTIFICATION AND INVESTIGATION

### CORPORATE OFFICER I

Name: Rick Loomis Title: President  
Residence Address: [REDACTED] Phone: [REDACTED]  
Business Address: 5100 E 2nd St, LB, CA Phone: (949) 475-0756  
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: 40803 Weight: [REDACTED]  
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]  
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

### CORPORATE OFFICER II

Name: Lisa Newman Title: CFO/Secretary  
Residence Address: [REDACTED] Phone: [REDACTED]  
Business Address: 5100 E 2nd St LB CA 90803 Phone: 562-434-7417  
Race: [REDACTED] Sex: [REDACTED] Hair: [REDACTED] Eyes: [REDACTED] Height: [REDACTED] Weight: [REDACTED]  
Date of Birth (mm/dd/yyyy): [REDACTED] Place of Birth: [REDACTED]  
Driver's License Number: [REDACTED] Issuing State: [REDACTED]

### CORPORATE OFFICER III

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Residence Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
Date of Birth (mm/dd/yyyy): \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Driver's License Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

### CORPORATE OFFICER IV

Name: \_\_\_\_\_ Title: \_\_\_\_\_  
Residence Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
Race: \_\_\_\_\_ Sex: \_\_\_\_\_ Hair: \_\_\_\_\_ Eyes: \_\_\_\_\_ Height: \_\_\_\_\_ Weight: \_\_\_\_\_  
Date of Birth (mm/dd/yyyy): \_\_\_\_\_ Place of Birth: \_\_\_\_\_  
Driver's License Number: \_\_\_\_\_ Issuing State: \_\_\_\_\_

## GENERAL OPERATING CONDITIONS

Complete Each Question

### ALCOHOL/FOOD/ADDITIONAL BUSINESSES

1. Will liquor be sold or consumed on the premises? ☒ YES ☐ NO

a. If Yes, complete the following box:

Check one box to  
Indicate License Type

Alcohol Beverage Control License No.:

Premises Type: (Club (restaurant) or  
Commercial (store))

On sale beer

☒

47-148348

Restaurant

On sale beer and wine

☒

47-148348

(47) "

On sale distilled spirits

☒

47-148348

"

2. Is a bonafide eating place provided on the premises? (Bonafide eating place means a place which is regularly used for serving meals for compensation, which has suitable kitchen facilities containing conveniences for cooking an assortment of foods for ordinary meals other than fast foods, sandwiches or salads. The kitchen must contain proper refrigeration for food and must comply with all applicable regulations of the Health and Human Services Department.

☒ YES ☐ NO

a. If yes, list types of food sold: Mexican

b. If no, list any products (such as snacks sold): \_\_\_\_\_

3. Are non-alcoholic beverages sold?

☒ YES ☐ NO

4. How many tables for seating? 70

5. Are other types of businesses conducted on the premises?

☐ YES ☒ NO

a. If yes, list type(s): \_\_\_\_\_

6. Are pool tables provided?

☐ YES ☒ NO

a. If yes, indicate number: \_\_\_\_\_

7. Is there a license for the pool table?

☐ YES ☒ NO

a. If yes, license number: \_\_\_\_\_

8. Are amusement machine(s) and/or jukebox(es) provided?

☐ YES ☒ NO

a. If yes, indicate number and type: \_\_\_\_\_

Amusement Machines

Jukebox(es)

9. Is there a license for the amusement machine(s) and/or jukebox(es)?

☐ YES ☒ NO

a. If yes, decal number(s): \_\_\_\_\_

10. Owner of machine(s) and/or jukebox(es):

Name: \_\_\_\_\_

Address: NA

Telephone No. ( ) \_\_\_\_\_

**GENERAL OPERATING CONDITIONS (continued)**

Complete Each Question

**SECURITY**

11. Will security officers be provided?

☒ YES ☒ NO

a. If yes, number of security officers:

10

12. Is any other type of security provided?

☒ YES ☐ NO

a. If yes, describe type of security:

Panama Joe's Employees (Door Hosts)  
trained through LEAD, Serve Safe, & internal training Manuals.

Days and hours security officers or other security will be provided (fill out completely):

SECURITY CAMERAS

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
(Estimate) Hours of Security	9PM-2AM	9PM-2AM	9PM-2AM	9PM-2AM	8PM-2AM	8PM-2AM	9PM-2AM
	2	2	2	3	4	4	2

13. Will a private security firm be used?

☐ YES ☒ NO

a. If yes, provide the following information of the contracted security firm:

Name:

City Business License No.:

Address:

Telephone No.:

NANA**ADMISSION and/or MEMBERSHIP FEES CHARGED**

14. Will minors be allowed on the premises?

☒ YES ☐ NO

15. Will the premises be open to the general public?

☒ YES ☐ NO

16. Will an admission fee be charged?

☒ YES ☐ NO

a. If yes, fee schedule:

Cover charge only to cover cost of entertainers. SPECIAL EVENTS GRAND PRIZ, ST PATRICK ETC

17. Is there a private area for exclusive use of members and their guests only?

☐ YES ☒ NO

a. If yes, types of membership fees:

NA

18. Will guests of members pay an admission fee or other charges?

☐ YES ☒ NO

a. If yes, describe the fee schedule and other charges:

NA



**GENERAL OPERATING CONDITIONS (continued)**

Complete Each Question

**HOURS OF OPERATION**

Establishment hours of operation by day (fill out completely):

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Open	11am	11am	11am	11am	11am	9am	9am
Close	2am	2am	2am	2am	2am	2am	2am

**PROXIMITY OF BUSINESSES AND RESIDENCES**

19. Are there surrounding businesses?

☒ YES ☐ NO

a. What type? Post Office, The Gap, Bank of America,  
Barber Shop, ETC.

20. Are there surrounding residences?

☒ YES ☐ NO

a. Approximately how close?

200 ft.**PARKING FACILITIES AND ARRANGEMENTS**

21. Is parking available?

☒ YES ☐ NO

a. If no, what is the street address of the off-premises parking facility?

behind facility.Large City Parking

b. Describe the business arrangement made with owner of the parking facility if not part of business premises. (Please attach a copy of parking contract or deed restriction)

City Lot.

c. Days and hours parking facility will be available:

	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
From	<u>City lot available 24 hours/day</u>						
To							

d. How many individual parking spaces (approximately)?

100**END OF GENERAL OPERATING CONDITIONS SECTION - PLEASE CONTINUE TO NEXT SECTION**

## ENTERTAINMENT FACILITY AND ACTIVITY

Entertainment - Restaurant ☒ Entertainment - Tavern (bar) ☐ Entertainment - Other ☐

Does the Proposed Activity have:

Outdoor Entertainment? ☐ Y ☒ N

Dancing by patrons, guests, customers, participants, attendees? ☐ Y ☒ N

Dancing by performers? ☒ Y ☒ N

Live music by more than two (2) performers? ☒ Y ☐ N

Amplified music (live)? ☒ Y ☐ N

Amplified music (recorded)? ☒ Y ☐ N

Disc Jockey? ☒ Y ☐ N

Karaoke? ☒ Y ☐ N

Adult Entertainment as defined by LBMC Section 21.15.110? ☐ Y ☒ N

Adult Entertainment as defined by LBMC Section 5.72.115 (B)? ☐ Y ☒ N

Will the establishment serve as a family pool/billiard hall as provided in Section 5.69.090 of the LBMC? ☐ Y ☒ N

Any other type of entertainment not listed above? ☐ Y ☒ N

If yes, briefly describe the entertainment activity. NA

Describe entertainment by performers: Bands and Disc Jockeys

Dance Floor? ☐ Y ☒ N Stage? ☒ Y ☐ N

If yes, provide dimensions and type of material of dance floor. L NA X W NA = NA sq ft.

If yes, provide dimensions and type of material of stage. L 7' W 16' H 12"

Describe floor material and surface type: Wood & Carpet.

Schedule of entertainment. Please provide days of the week and time of day. If entertainment is not provided the same days and times every week, please provide a detailed schedule of specific dates and times of entertainment. Attach an additional sheet if necessary: (Fill Out Completely)

Day	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
Entertainment Type	Live or D.J.	" "	" "	" "	" "	" "	" "
Start Time	8PM	8PM	8PM	8PM	8PM	8PM	3PM
End Time	1am	1am	1am	1am	1am	1am	1am

**RELEASE FORM**

The undersigned, on behalf of (owner's) Panama Joe's Inc., hereby authorizes the City of Long Beach, by and through its appropriate officers, agents and employees to verify and confirm the information contained in this application, and to conduct such other investigations as may be reasonably required by the City of Long Beach, its officers, agents and employees for the purpose of determining the capability, fitness and capacity of:

(DBA) Panama Joe's Cafe  
to obtain the (entertainment type) Live Entertainment no permit/license.

The applicant by signing this application consents service of any notice required or provided for by the laws, rules, regulations, or ordinances of the City of Long Beach upon the person at the address designated in this application as the business address, will constitute sufficient and legal notice. Any change in the person or the address listed in the application may be made only in writing to the Director of Financial Management.

The applicant consents and agrees full compliance will be made with all applicable State laws and City ordinances governing the conduct of the particular type of business activity for which a business license or permit is requested. The applicant by signing this application understands any incomplete or false information may constitute grounds for denial.

I swear under penalty of perjury I have read the forgoing application and all information and statements made by the undersigned/applicant regarding this applicant are true and correct.

(Don Newman)  
Don Newman Director 12/29/08  
(SIGNATURE OR AUTHORIZED AGENT) (TITLE) (DATE)  
[REDACTED] [REDACTED]  
DRIVER'S LICENSE OR ID NUMBER STATE  
Sharon Parin CSP III 12/30/08  
ACCEPTED BY (CITY STAFF) TITLE DATE

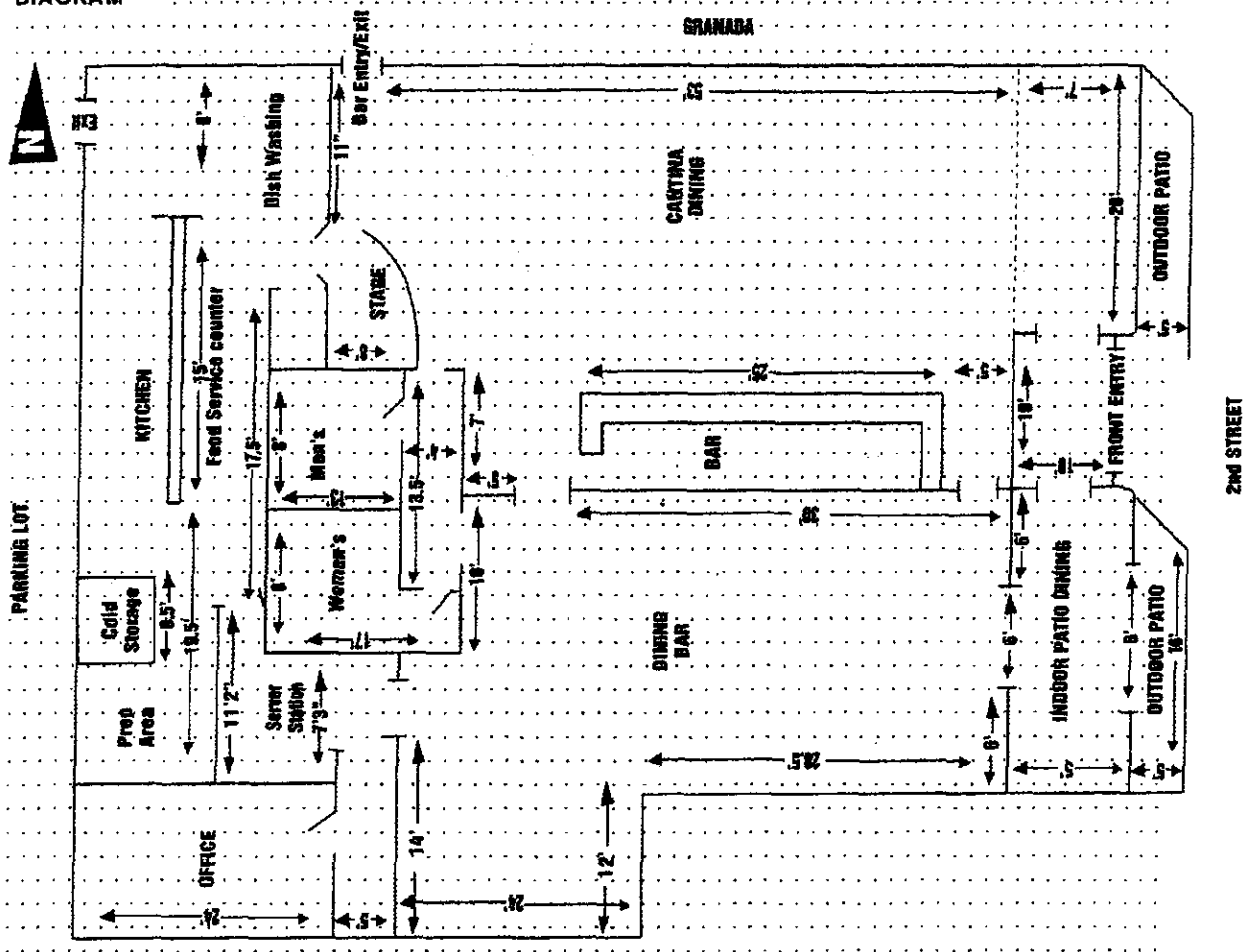
Department of Alcoholic Beverage Control  
**LICENSED PREMISES DIAGRAM (RETAIL)**

State of California

1. APPLICANT NAME (Last, first, middle) Panama Joes Inc	2. LICENSE TYPE 47
3. PREMISES ADDRESS (Street number and name, city, zip code) 5100 E 2nd st, long beach, Ca 90803	4. NEAREST CROSS STREET

The diagram below is a true and correct description of the entrances, exits, interior walls and exterior boundaries of the premises to be licensed, including dimensions and identification of each room (i.e., "storeroom", "office", etc.).

**DIAGRAM**



It is hereby declared that the above-described boundaries, entrances and planned operation as indicated on the reverse side, will not be changed without first notifying and securing prior written approval of the Department of Alcoholic Beverage Control. I declare under penalty of perjury that the foregoing is true and correct.

APPLICANT SIGNATURE (Only one signature required)		DATE SIGNED
<b>FOR ABC USE ONLY</b>		
CERTIFIED CORRECT (Signature)	PRINTED NAME	INSPECTION DATE

ABC-257 (5/05)

Department of Alcoholic Beverage Control  
**SUPPLEMENTAL DIAGRAM**

State of California  
 ARNOLD SCHWARZENEGGER, Governor

**Instructions to Applicant:**

Draw a sketch of the area on which the licensed premises is or will be located. Show adjacent structures and nearest cross streets. *If this is an event for a daily license, catering authorization or miscellaneous use, show the area where sales and consumption of alcoholic beverages will occur. Post a copy of this diagram with Daily License, Catering Authorization or Event Authorization where the event is held. Sales and consumption of alcoholic beverages must be confined to the area designated in the diagram and supervised to prevent violations of the Alcoholic Beverage Control Act.*

1 APPLICANT NAME (Last, first, middle)

Panama Joes Inc

2 LICENSE TYPE

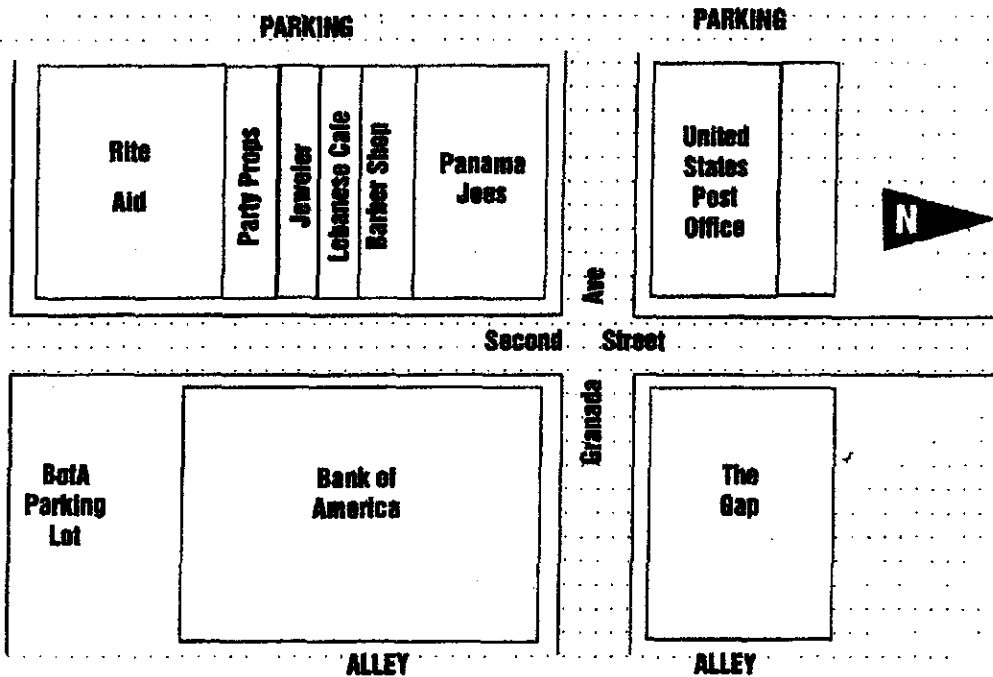
47

3 PREMISES ADDRESS (Street number and name, city, zip code)

5100 E 2nd st , long beach, Ca 90803

4 NEAREST CROSS STREET

**DIAGRAM**



I have read the above instructions and I declare under penalty of perjury that the above diagram is true and correct.

APPLICANT SIGNATURE

DATE SIGNED

**FOR ABC USE ONLY**

CERTIFIED CORRECT (Signature)

PRINTED NAME

INSPECTION DATE

DISPLAY CONSPICUOUSLY AT PLACE OF BUSINESS FOR WHICH ISSUED

CALIFORNIA STATE BOARD OF EQUALIZATION

**SELLER'S PERMIT**



ACCOUNT NUMBER

PANAMA JOE'S INC.  
5100 E. 2ND ST  
LONG BEACH, CA 90703-3790

THIS PERMIT DOES NOT  
AUTHORIZE THE HOLDER  
TO ENGAGE IN ANY  
BUSINESS CONTRARY TO  
LAWS REGULATING THAT  
BUSINESS OR TO  
POSSESS OR OPERATE  
ANY ILLEGAL DEVICE.

IS HEREBY AUTHORIZED PURSUANT TO SALES AND USE TAX LAW  
TO ENGAGE IN THE BUSINESS OF SELLING TANGIBLE PERSONAL  
PROPERTY AT THE ABOVE LOCATION.

Not valid at any other address

THIS PERMIT IS VALID UNTIL REVOKED OR CANCELED BUT IS NOT TRANSFERABLE. IF YOU SELL YOUR BUSINESS,  
OR DROP OUT OF A PARTNERSHIP, NOTIFY US OR YOU COULD BE RESPONSIBLE FOR SALES AND USE TAXES  
OWED BY THE NEW OPERATOR OF THE BUSINESS.

BT-442-RLZ REV. 12 (8-85)





Accepted By: Dean Harris Date: 12/3/08  
Zoning Approval By: [Signature] Date: 12/3/08

## APPLICATION FOR ENTERTAINMENT PERMIT

(Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): Panama Joes Inc  
Business Name (DBA): Panama Joes Cafe Business Phone: 562-434-7417  
Business Site Address: 5100-02 E Second St, Long Bch, CA 90803  
Date Business Proposes To Open: Currently operating  
Days & Time Premises Are Open For Inspection: Monday thru Friday 11am - 4pm

### Proposed Use(s):

Entertainment/Restaurant With Dancing ☐ Without Dancing ☒

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Social Club ☐ Pool or Billiard Hall ☐ Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

Restaurant & Lounge with live entertainment

Contact Person(s) Name (authorized agent, manager, etc.): Greg Newman

Contact Person(s) Phone Number: (310) 989-7618

### Type of Organization:

☒ Corporation ☐ Partnership ☐ Individual ☐ Unincorporated Association or Club  
☐ Trust ☐ LLC ☐ Other, explain: \_\_\_\_\_

### OFFICE USE ONLY

☐ Building ☐ Fire ☐ Health (Check Inspecting Department) Date Received: \_\_\_\_\_

☐ Building/Location meets Department Requirements for the proposed use.

☐ Building/Location meets Department Requirements for the proposed use subject to the following conditions:

☐ Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date): \_\_\_\_\_ By: \_\_\_\_\_

### POLICE DEPARTMENT

☐ Police Department finds no for basis for denial

☐ Police Department finds basis for denial

☒ Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_

By: Anthony W. Batts

Title: CHIEF OF POLICE

Date: 2/6/09



**Date:** February 10, 2009

**To:** Erik Sund, Bureau Manager, Business Relations Bureau

**From:** Anthony W. Batts, Chief of Police *AWB*

**Subject:** **APPLICATION FOR ENTERTAINMENT WITHOUT DANCING AT PANAMA JOE'S CAFE – 5100 EAST SECOND STREET**

---

In response to your request for a recommendation regarding the above named permit application for Entertainment without Dancing, the Police Department recommends **approval** of a **One-Year Short-Term** permit, subject to the following twenty-three (23) conditions of operation:

Panama Joe's Cafe is located on the southeast corner of Second Street and Granada Avenue. The establishment serves a Mexican food menu for lunch and dinner. After the food service ends, the business becomes a nightclub with limited food service. Panama Joe's has been in business since 1978 and has recently sold its controlling interest to Lisa Newman. The Newman family owns and operates five Sharkeez restaurants and bars throughout Southern California.

Based on the Long Beach Police Department's investigation, input from three different police jurisdictions and the East Division Patrol Commander's concerns about new ownership possibly converting Panama Joe's into a Sharkeez, which would bring a younger clientele to the business, the Long Beach Police Department believes a One-Year Short-Term Entertainment without Dancing Permit would be in the best interest of the surrounding community and the City of Long Beach.

**CONDITIONS OF OPERATION**

- 1) The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
- 2) Unless separately applied for, reviewed, and approved, no adult entertainment, as defined by section 5.72.115(B) LBMC shall be conducted on the permitted premises.
- 3) Entertainment activities indicated on page #7 of your entertainment application shall be restricted to no later than **1:00 AM** Sunday through Wednesday and **1:30 AM** Thursday through Saturday. Entertainment can begin Monday through Friday at 7:00 p.m. and Saturday and Sunday at 1:00 p.m.

ENTERTAINMENT WITHOUT DANCING AT PANAMA JOE'S CAFE  
5100 EAST 2<sup>ND</sup> STREET  
Page 2

- 4) Noise emanating from the permittee's premises shall not be audible 50 feet or more from the property line of the premises. The permittee shall be responsible for determining how to best meet this requirement, either by keeping doors and windows closed, limiting hours of entertainment, or by offering non-amplified entertainment.
- 5) Patrons awaiting entry in a defined "queue" shall be restricted to 2<sup>nd</sup> Street and must extend this line east of the business. There shall be no "queue" allowed after 12 midnight, Sunday thru Wednesday nights, and 1:00 a.m. Thursday, Friday, and Saturday nights. All persons gathering outside after the allowed hours shall be considered to be loitering. The public right of way (sidewalk), or an entrance to any business shall not be blocked at any time.
- 6) Entertainment on the following holidays is permitted until 2:00 a.m.: New Years Eve, New Years Day, St. Patrick's Day, Cinco De Mayo, Memorial Day Eve, July 3<sup>rd</sup>, Labor Day Eve, and Halloween night.
- 7) Patrons under twenty-one (21) years of age shall not be permitted to enter nor to remain on the premises after the restaurant (food services) portion of the establishment has closed, or **10 PM, whichever comes first**. Private functions not open to the public are exempt from this condition.
- 8) The permittee shall not allow employees to discard trash or beer bottles into the outside dumpster between the hours of 10 p.m. and 7 a.m.
- 9) The permittee shall be responsible for maintaining an adequate security staff to supervise patrons inside the establishment and those waiting to enter. Potential patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For crowds up to fifty (50) patrons, the permittee shall provide a minimum of one (1) uniformed security guard. For crowds over (50) fifty patrons, the permittee shall provide a minimum of one (1) additional uniformed security guard per fifty (50) people. Security guards must be identifiable as "Panama Joe's employees." Should the permittee's operations give rise to a substantial increase in complaints/calls for service, or trash left in the parking lot or adjacent property, the permittee shall increase security as directed by the Chief of Police.
- 10) The permittee shall ensure that a security guard monitor and check the property adjacent to, and the parking lots on each side of Granada Avenue on an hourly basis after 8:00 p.m. each night of the week. Security shall maintain order; prevent the unlawful consumption of alcohol, or any activity that would interfere with the quiet enjoyment of their property by nearby residents. Security guards must be identifiable as "Panama Joe's employees."

ENTERTAINMENT WITHOUT DANCING AT PANAMA JOE'S CAFE  
5100 EAST 2<sup>ND</sup> STREET  
Page 3

- 11) The permittee shall not allow any employee, patron, or entertainer, to exit or loiter near the side door on Granada Avenue, or the two rear kitchen doors, after 10 p.m., except in the case of an emergency.
- 12) The side door on Granada Avenue and the two rear kitchen doors shall not be used for any type of deliveries, including loading or unloading of any performer's equipment, between the hours of 10 p.m. and 7 a.m.
- 13) At the conclusion of each event, the permittee shall take reasonable measures to ensure that exiting patrons walk directly to their vehicles and not loiter in the parking lot or the immediate area.
- 14) Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320)
- 15) The permittee agrees to reimburse the City of Long Beach whenever excessive police services, as determined by the Chief of Police, are required as the result of any incident or nuisance arising out of, or in connection with the permittee's operations.
- 16) This entertainment permit is accessory to the primary business, which is a restaurant. In the event the primary business ceases operation on a permanent basis, meaning meals are no longer offered at the location, then the entertainment permit becomes null and void.
- 17) All independent contractors and promoters must have, or obtain a City of Long Beach Business License prior to conducting entertainment activities governed by this permit. The permittee shall be responsible for all entertainment activities at the location, including those conducted by promoters or independent contractors.
- 18) The permittee must provide all promoters, or independent contractors hired to conduct entertainment activities, with a copy of the approved permit, which shall include a copy of the approved conditions of operation.
- 19) Panama Joe's Cafe, its promoters, or agents, shall not distribute any advertising matter, such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City of Long Beach. Distribution of any advertising matter upon private property shall adhere to the following guidelines: By placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all promoter contracts, including names, addresses, and phone numbers, on file at all times, be available for inspection at anytime.

ENTERTAINMENT WITHOUT DANCING AT PANAMA JOE'S CAFE  
5100 EAST 2<sup>ND</sup> STREET

Page 4

- 20) The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances, and stated conditions. In the event of a conflict between the requirements of this permit, your conditional use permit, or your Alcoholic Beverage Control license, the more stringent regulation shall apply.
- 21) The permittee, shall, within ninety (90) days of an approved entertainment permit, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control. In the event that the LEAD program is not offered within this ninety-day period, the permittee shall attend the next available class. Proof of completion shall be submitted to the Long Beach Police Department Vice Investigations Section.
- 22) The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LBMC Chapter 8.80)
- 23) Any graffiti painted or marked upon the premises or on any adjacent area under the control of the permittee shall be removed or painted over within 24 hours of being applied.

AWB:CNA:cna  
AppvCondPJ's



Accepted By [Signature] Date 12/2/08  
Zoning Approval By [Signature] Date 12/2/08

## APPLICATION FOR ENTERTAINMENT PERMIT

(Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure):

Panama Joes Inc

Business Name (DBA):

Panama Joes Cafe

Business Phone 562-434-7417

Business Site Address:

5100-02 E Second St, Long Beach, CA 90803

Date Business Proposes To Open:

Currently operating

Days & Time Premises Are Open For Inspection:

Monday thru Friday 11am - 4pm

Proposed Use(s):

Entertainment/Restaurant

With Dancing ☐

Without Dancing ☒

Entertainment/Tavern

With Dancing ☐

Without Dancing ☐

Social Club ☐

Pool or Billiard Hall ☐

Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

Restaurant & Lounge with live entertainment

Contact Person(s) Name (authorized agent, manager, etc.):

Greg Newman

Contact Person(s) Phone Number:

(310) 989-7618

Type of Organization:

☒ Corporation

☐ Partnership

☐ Individual

☐ Unincorporated Association or Club

☐ Trust

☐ LLC

☐ Other, explain: \_\_\_\_\_

### OFFICE USE ONLY

☐ Building

☒ Fire

☐ Health

(Check Inspecting Department)

Date Received:

1/10/09

☒ Building/Location meets Department Requirements for the proposed use.

☐ Building/Location meets Department Requirements for the proposed use subject to the following conditions:

☐ Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date):

2/13/09

By:

WENDY GOETZ

### POLICE DEPARTMENT

☐ Police Department finds no for basis for denial

☐ Police Department finds basis for denial

☐ Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_





# CITY OF LONG BEACH

DEPARTMENT OF HEALTH AND HUMAN SERVICES

100 W BROADWAY STE 400 LONG BEACH, CA 90802 562-570-8513 FAX 562-570-6830

ENVIRONMENTAL HEALTH  
NOISE OFFICE

## DEPARTMENT OF HEALTH AND HUMAN SERVICES ENTERTAINMENT PERMIT APPLICATION REQUIREMENTS

Date: 12/28/08

Name of Business (DBA): Panama Joes Cafe

Name of Business Owner: Greg Newman & Rick Loomis

Business Address: 5100-02 E Second St  
Long Beach, CA 90803

Dear New Business Owners:

The Entertainment establishment must abide by the Long Beach Municipal Code Noise Ordinance, Chapter 8.80.

You must make sure that the noise generating inside your business is not impacting adjacent residences.

If loud music is to be played as part of the entertainment permit, you must also post a sign in the customer area in a conspicuous location that states:

**Warning: Sound Levels Within May Cause Permanent Hearing Impairment.**

I understand that in order to provide Entertainment, my establishment must comply with the Long Beach Noise Ordinance (LBMC Chapter 8.80).

Owner or Authorized Agent Signature(s) Greg Newman

Title Director

Phone # (310) 989-7618

FAX # (310) 374-9901



Accepted By: Shawn Harris  
Zoning Approval By: [Signature]

Date: 12/30/08  
Date: 12/30/08

### APPLICATION FOR ENTERTAINMENT PERMIT

(Please Print All Information - Incomplete Applications Will Not Be Accepted)

Applicant's Name (Legal Ownership Structure): Panama Joes Inc  
Business Name (DBA): Panama Joes Cafe Business Phone: 562-434-7417  
Business Site Address: 5100-02 E Second St, Long Bch, CA 90803  
Date Business Proposes To Open: Currently operating  
Days & Time Premises Are Open For Inspection: Monday thru Friday 11am - 4pm

**Proposed Use(s):**

Entertainment/Restaurant With Dancing ☐ Without Dancing ☒

Entertainment/Tavern With Dancing ☐ Without Dancing ☐

Social Club ☐ Pool or Billiard Hall ☐ Other (explain) ☐

Explain briefly the proposed use of the rooms within the building:

Restaurant & Lounge with live entertainment

Contact Person(s) Name (authorized agent, manager, etc.): Greg Newman

Contact Person(s) Phone Number: (310) 989-7618

**Type of Organization:**

☒ Corporation ☐ Partnership ☐ Individual ☐ Unincorporated Association or Club  
☐ Trust ☐ LLC ☐ Other, explain: \_\_\_\_\_

**OFFICE USE ONLY**

☒ Building ☐ Fire ☐ Health (Check Inspecting Department) Date Received: 12-30-08

☒ Building/Location meets Department Requirements for the proposed use. 547307-LAN

☐ Building/Location meets Department Requirements for the proposed use subject to the following conditions:

☐ Building/Location does not meet Department requirements for the proposed use.

Inspection Completed On (date): \_\_\_\_\_ By: \_\_\_\_\_

**POLICE DEPARTMENT**

☐ Police Department finds no for basis for denial ☐ Police Department finds basis for denial

☐ Police Department finds no for basis for denial with conditions

Conditions or Basis for Denial: \_\_\_\_\_

By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_



**Date:** February 2, 2009  
**To:** Richard I. Bartlett, Business Services Officer, Commercial Services Bureau  
**From:** Derek Burnham, Current Planning Officer *DB*  
**Subject:** REVIEW OF ENTERTAINMENT LICENSE REQUEST

**Site Address:** 5100 E. 2<sup>nd</sup> Street  
Long Beach, CA 90803

**Applicant:** Panama Joe's, Inc.  
DBA Panama Joe's Cafe

**Zoning District:** CNP (Neighborhood Pedestrian District)

**Proposed Use:** Entertainment without Dancing

The Community Design and Development Division of the Department of Planning and Building has the following comments:

No CUPs or AUPs were found for the subject site; however, a CUP Exemption (Case No. 34-99) was approved for on-site sale of general alcohol in conjunction with meal service only within a newly expanded outdoor dining area at an existing, legal nonconforming restaurant/bar tavern.

The applicant is seeking to obtain a permit for entertainment without dancing. An entertainment permit without dancing is allowed as an accessory use to a restaurant in the CNP zone. No extra parking is required.

Planning Bureau recommends that the entertainment permit without dancing for "Panama Joe's" be approved, subject to the attached Conditions of Approval.

If you have any questions regarding this response, please call Angie Zetterquist, Planner, at (562) 570-6553.

**ENTERTAINMENT PERMIT  
CONDITIONS OF APPROVAL**

5100 E. 2<sup>ND</sup> Street  
*dba, "Panama Joe's"*

1. Patrons under the age of twenty-one (21) shall not enter or remain on the premises after the restaurant has discontinued offering the full menu or 10:00 PM daily, whichever is earlier. Private functions not open to the public are exempt from this condition.
2. Any graffiti found on site must be removed within 24 hours of its appearance.
3. During the hours of operations, the rear door(s) of the establishment shall remain closed at all times except to accept deliveries and in cases of emergency. The rear door(s) shall be constructed of a solid material to help reduce noise pollution and shall not consist solely of a screen or ventilated security door.
4. Noise generated on-site from the permitted entertainment uses shall not be heard beyond 50 feet from the exterior of the premises in any direction. The permittee shall be wholly responsible for determining how to meet this requirement, either by keeping doors and windows shut, limiting hours of entertainment or offering non-amplified entertainment.
5. Deliveries to and from the premises shall be limited to the hours of 8:00 AM to 10:00 PM.
6. Trash and refuse collection shall be limited to the hours of 8:00 AM to 10:00 PM.
7. Employees at the subject premises shall not discard trash or bottles into the outside dumpster between the hours of 10:00 PM and 8:00 AM
8. The establishment shall remain in compliance with all applicable sections of the Long Beach Noise Ordinance (LBMC Chapter 8.80)
9. The sale of alcoholic beverages for consumption off-premises is strictly prohibited.
10. The property shall be maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of exterior facades of the building, designated parking areas serving the use, fences and the perimeter of the site (including all public parkways).

11. There shall be no exterior advertising or sign of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
12. The premises shall be maintained as a full service restaurant providing an assortment of full meals normally offered in such establishments. In the event that the restaurant ceases operations, the entertainment permit shall be null and void.
13. Entertainment provided shall be end by 1:00 AM, or earlier, seven days a week. Entertainment can begin Monday through Friday at 7:00 p.m. and Saturday and Sunday at 1:00 p.m.
14. Entertainment on the following holidays is permitted until 1:30 AM: New Years Eve, New Years Day, St. Patrick's Day, Cinco De Mayo, the day before Memorial Day, July 3<sup>rd</sup>, the day before Labor Day, and Halloween.
15. No employee, patron or entertainer, shall exit or loiter near the rear of the business or on Granada after 10:00 PM, except in the case of an emergency. Additionally, no employee, patron, or entertainer shall loiter in the parking lots adjacent to the establishment on both sides of Granada.
16. Patrons awaiting entry in a defined "queue" shall be restricted to 2<sup>nd</sup> Street and the line must extend east of the business. There shall be no queuing allowed after 12 midnight Sunday thru Wednesday nights and 1:00 AM on Thursday, Friday, and Saturday nights. The public right of way (sidewalk) and entrances to any business on 2<sup>nd</sup> Street shall not be obstructed at any time by the queue.
17. The permittee shall be responsible for maintaining an adequate security staff to supervise patrons inside the establishment and those waiting to enter. Patrons awaiting entry in a defined "queue" shall be counted toward the calculation of required security staffing levels. For crowds up to fifty (50) people, the permittee shall provide a minimum of one (1) uniformed security guard. For crowds over (50) fifty people, the permittee shall provide a minimum of one (1) additional uniformed security guard per fifty (50) people. Security guards must be identifiable as "Panama Joe's employees." Should the permittee's operations give rise to a substantial increase in complaints/calls for service, or trash left in the parking lot, the permittee shall increase security as directed by the Chief of Police.
18. Between the hours of 8:00 PM and a half hour after closing on Thursdays, Fridays, Saturdays, and as needed, including Holidays listed in item #15, the permittee shall provide one (1) security guard in the adjacent parking lots (both sides of Granada) who shall maintain order and prevent any activity that interferes with the quiet enjoyment of nearby residents. Said personnel shall be clothed in such a manner as to be readily identifiable as security.

19. Current occupancy loads shall be posted at all times, and the permittee shall have an effective system to keep count of the number of occupants present at any given time and provide that information to public safety personnel upon request. (LBMC section 18.48.320)
20. The permittee agrees to reimburse the City whenever excessive police services, as determined by the Chief of Police, are required as the result of any incident or nuisance arising out of or in connection with the permittee's operations.
21. Panama Joe's, its promoters, or agents, shall not distribute any advertising matter, such as signs, posters, or promotional cards, in or upon any public property, or in or on any vehicle in any such place in the City. Distribution of any advertising matter upon private property shall adhere to the following guidelines: by placing the same matter in a receptacle, clip, or other device designed or intended to receive advertising matter. The permittee shall keep all promoter contracts, including names, addresses and phone numbers, on file at all times, and must be available for inspection at anytime.
22. The permittee shall maintain full compliance with all applicable laws, ABC laws, ordinances and stated conditions. In the event of a conflict between the requirements of this permit, conditional use permit, or Alcoholic Beverage Control license, the more stringent regulation shall apply.
23. The permittee, shall, within ninety (90) days of an approved entertainment permit, submit proof of attending the LEAD program offered by the Department of Alcoholic Beverage Control. In the event that the LEAD program class is not offered within this ninety day period, the permittee shall attend the next available class. Proof of completion shall be submitted to the Long Beach Police Department Vice Investigations Section.
24. The operation of the establishment shall be limited to those activities and elements expressly indicated on the permit application and approved by the City Council. Any change in the operation, which exceeds the conditions of the approved permit, will require that a new permit application be submitted to the City Council for their review and approval.
25. The permittee shall install and maintain a video surveillance system to assist with monitoring the property. Contact the Long Beach Police Department for a copy of the Video Surveillance System Guidelines for guidance on camera location and equipment specifications. Recordings should be retained for no less than 10 days.

**Report for  
Metropolitan Water District of Southern California  
Board Meeting  
March 10, 2009**

**PALO VERDE FALLOWING PROGRAM**

The board authorized an emergency short-term fallowing program within the Palo Verde Irrigation District and spending up to \$23 million to fund the program. Set to begin this summer, the short-term program would allow fallowing of up to 15 percent of PVID land irrigated with Priority 1 Colorado River water. This would add as much as 13,350 acres to the nearly 26,000 acres currently being fallowed under the long-term program. Metropolitan would pay \$1,700 per acre of land fallowed, for a cost of approximately \$340 per acre-foot. (Agenda Item 8-6)

**YUBA COUNTY WATER TRANSFER**

The board authorized an amendment to its agreement with the California Department of Water Resources to purchase water transfer supplies from the Yuba County Water Agency of up to 17,500 acre-feet for 2009 only, at a cost of \$250 per acre-foot. (Agenda Item 8-2)

**NEW DIRECTOR**

The board inducted new director Peter Kavounas, representing the city of Glendale. He succeeds James M. Rez who had served as the city's representative on Metropolitan's board since August 1988. Kavounas serves as Glendale's assistant general manager and previously served as the city's water services administrator. He also spent 17 years working for the Los Angeles Department of Water and Power and sits on the Castaic Lake Water Agency board of directors. (Agenda Item 5-C)

**VICE CHAIR APPOINTMENTS, BOARD REAPPOINTMENT**

Chairman Timothy F. Brick named Fern Steiner of the San Diego County Water Authority as vice chair of the board, and assigned Keith Lewinger as vice chair of the Business and Finance Committee, which the board approved. The board also confirmed Director Brick's reappointment as the city of Pasadena's representative for a term ending December 31, 2012, and presented a 15-year service pin to Director Bill Wright of Torrance. (Agenda Items 5E, 5F and 5G)

**CENTRAL BASIN SETTLEMENT**

The board approved terms of a settlement of *Central Basin Municipal Water District v. Metropolitan Water District*, which challenged Metropolitan's water supply allocation plan. Future items regarding the supply allocation plan will be brought back to the board for discussion. (Agenda Item 8-4)

## **TUJUNGA WELLFIELD PROJECT**

The board authorized entering into an agreement for a maximum of \$8.5 million with Siemens Water Technologies Corporation for the Tujunga Wellfield Groundwater Recovery Project, which will increase Los Angeles Department of Water and Power's Tujunga Wellfield production by 24,000 to 36,000 acre-feet over a two-year period, thereby reducing demands on Metropolitan for imported water. LADWP will reimburse Metropolitan fully for this project, including all costs incurred under this agreement. (Agenda Item 8-1)

## **OTHER ACTION:**

In other action, the board:

- Received a plaque recognizing the Diamond Valley Lake Visitor Center as a platinum LEED (Leadership in Energy and Environmental Design) building. The center is one of 79 platinum projects in the world, and the first such project designed as a museum facility. (Agenda Item 4)
- Authorized entering into a second lease amendment to extend the existing Sacramento office lease term for an additional 96 months with Senator Building Holdings, LLC, a Delaware limited liability company (Agenda Item 7-1)
- Appropriated \$850,000 and authorized two Jensen Water Treatment Plant rehabilitation projects (Agenda Item 7-2)
- Appropriated \$155,000 and authorized preliminary design of the Combined Filter Outlet Chemical Trench at the Weymouth Water Treatment Plant (Agenda Item 7-3)
- Appropriated \$1.59 million and authorized final design and construction of a dechlorination system at the Chemical Unloading Facility (Agenda Item 7-4)
- Adopted a resolution supporting Metropolitan's \$300,000 grant funding application for agricultural conservation incentives under the Bureau of Reclamation's Water for America Challenge Grant Program and approved inclusion of agricultural improvements as eligible elements under Metropolitan's Water Savings Performance Program (Agenda Item 7-5)
- Authorized a \$300,000 increase in the maximum amount payable under a professional services contract with Duncan, Weinberg, Genzer & Pembroke, P.C. to a total of \$2.925 million for electric utility legal services (Agenda Item 7-6)
- Authorized contracts with six law firms for special bond counsel and four firms for co-special bond counsel services for the period ending Dec. 31, 2011 (Agenda Item 8-3)
- Expressed support and authorized co-sponsorship for AB 1366 (Feuer, D-Los Angeles) – Residential Self-Regenerating Water Softeners (Agenda Item 8-5)
- Authorized an increase in the contract with Morrison & Foerster LLP from \$100,000 to a new maximum of \$1.5 million for legal services for Bay-Delta Endangered Species Act cases (Agenda Item 8-7)



## EXHIBIT A

The City of Long Beach Small Business Enterprises (SBE), Very Small Business Enterprises (VSBE) and Local Small Business Enterprise (LSBE) Pilot Program (the "Program").

### **1.0 Applicability**

The Program shall apply to all applicable construction contracts, professional services contracts, and procurement activities undertaken by City of Long Beach Departments of Public Works and Parks, Recreation and Marine, funded with City general fund revenues and/or federal funds, except those subject to 49 CFR 26, "Disadvantaged Business Enterprises (DBE) Program" or those requiring compliance with the City's Section 3 program, and the Department of Gas and Oil, funded with gas or oil revenue. The Program shall not apply to projects or purchases using Tidelands funds or funds from the South East Resource Recovery Facility (SERRF) or projects performed by oil contractors Thums and Tidelands.

### **2.0 Policy**

2.1 The City shall promote utilization of Small Business Enterprises (SBEs), Very Small Business Enterprises (VSBEs) and Local Small Business Enterprises (LSBEs) on construction contracts, professional services contracts, and purchase orders.

2.2 The goal of the Program is to provide the City with more competition, lower costs, and better community participation by reducing barriers to small and local business participation in the City's contracting and procurement process.

2.3 The Program shall be administered in a streamlined and cost effective manner by the City's Business Services Manager, operating under the appropriate bureau managing director, division director, and section manager.

2.4 For the Department of Parks, Recreation and Marine, VSBE participation will not be tracked separately from SBE participation, due to the large number of small contracts (less than \$100,000) and the administrative costs of tracking SBEs and VSBEs separately.

### **3.0 Program Structure**

The Program was established by an ordinance adopted on \_\_\_\_\_, 2009 by the City Council of the City of Long Beach, and became effective on \_\_\_\_\_, 2009.

### **4.0 Program Applicability to Non-SBE Firms, SBE Firms and VSBE Firms**

4.1 Non-SBE prime contractors/consultants/vendors shall meet the combined SBE/VSBE/LSBE participation goal, or document and submit an acceptable Good Faith Effort, for their bid or proposal to be deemed responsive.

4.1.1 The Department of Public Works shall identify and may exempt from the requirements of this Program any project requiring compliance with the City's Section 3 Program, established by federal court consent decree. In cases where a determination is made to exempt a project due to the Section 3 requirements, submission of a Good Faith Effort shall not be required for a bid or proposal to be deemed responsive.

4.2 SBE prime contractors/consultants/vendors, certified through the City's online SBE/VSBE/LSBE database and verified by the City, are deemed to have met the SBE component of the combined SBE/VSBE/LSBE participation goal, but shall meet the VSBE component for the goal, or document and submit an acceptable Good Faith Effort, for their bid or proposal to be deemed responsive.

4.3 City-certified SBE prime contractors/consultants/vendors who also qualify as a Very Small Business Enterprise (VSBE) based upon the Business Services Manager's review of qualifying information are deemed to have met both components of the combined SBE/VSBE/LSBE participation goal.

4.4 The City encourages all prime contractors/consultants/vendors to utilize small business subcontractors and subconsultants, whether at a first tier or lower tier sub level, as well as vendors and suppliers. Lower tier subs and vendors/suppliers must provide services/materials directly related to the project or they will not qualify to meet the goal.

## **5.0 SBE, VSBE and LSBE Eligibility**

5.1 SBE eligibility is determined utilizing federal U.S. Small Business Administration (SBA) size standards, based on North American Industrial Classification System (NAICS) codes. The current table of size standards can be accessed on the SBA website at [www.sba.gov/ca/la](http://www.sba.gov/ca/la). Examples of maximum gross annual revenue averaged over the past three years to qualify as an SBE: general contractor \$31.0 million; specialty trade contractor \$13.0 million; engineering services \$4.5 million.

5.2 VSBE eligibility is determined utilizing maximum allowable annual gross revenues consistent with those of the State of California's Department of General Services' "micro-business" designation.

5.3 Local Small Business Enterprise (LSBE) eligibility shall be determined by the criteria established in section 2.84.030, subdivisions (1) and (2), in addition to the SBE eligibility criteria described in section 5.1, above.

## **6.0 Annual SBE/VSBE/LSBE/LSBE Goals, Individual Contract Goals, Division Goals**

6.1 For the first year of the Program, annual City-wide SBE/VSBE/LSBE goals for participation shall be twenty percent (20%) for procurement and contracting of services, which include ten percent (10%) general SBE participation; five percent (5%) LSBE participation and five percent (5%) VSBE participation.

6.2 In order to meet the established goals, the Program Manager for each contract will consult with the Business Services Manager. Goals may be adjusted due to the number of qualified SBE/VSBE/LSBE firms available to provide the required services. If the dollar value of the work elements of a contract that can be performed by SBEs, VSBEs and/or LSBEs is high, the contract will have a higher SBE, VSBE and/or LSBE participation goal than one where only a small portion of the work could be competitively performed by SBEs, VSBEs or LSBEs.

6.3 The following is a method for determining SBE/VSBE/LSBE contract goals. Starting with a detailed cost estimate for each contract, the contract Program Manager will identify the types and amounts of work to be performed in the contract using universal codes established by the North American Industrial Classification System (NAICS). The Business Services Manager will research government and City databases and locate potential small

businesses for each work discipline. The goals are then established based on two factors: (1) the number of SBEs/VSBEs/LSBEs available to perform a work discipline; and (2) the amount of work in the contract scope that the discipline represents.

6.4 For City contracts that do not have an assigned contract-specific SBE/VSBE/LSBE goal, additional targeted outreach to SBEs/VSBEs/LSBEs will be conducted, and every effort will be made to award the work to a small business.

6.5 Certain categories of work are exempted from the Program requirements for compelling reasons after consultation with the Business Services Manager and approval by appropriate division director.

## **7.0 Definitions of "Subcontractor" and "Vendor/Supplier"**

7.1 A "Subcontractor" is defined as an individual, firm, or entity having a direct contract with the prime contractor or with any other subcontractor to perform a portion of the subject contract. A subcontractor must have a valid State of California Contractor's License to the extent required by law.

7.2 A "Vendor/Supplier" is defined as an individual, firm, or entity providing materials or supplies directly to the subject contract. For a prime contractor to receive participation credit for utilizing an SBE/VSBE/LSBE vendor or supplier under the City's SBE/VSBE/LSBE Program, the materials/supplies must be directly applicable to the subject contract or City facility.

## **8.0 City's SBE/VSBE/LSBE Database: Vendor Registration and SBE Certification**

8.1 All firms (large and small) wishing to do business with the City are strongly encouraged to register with the City's online database. Vendor registration is relatively simple and quick. A link to vendor registration is provided from the SBE/VSBE/LSBE Program page on the City's website.

8.2 All SBE/VSBE/LSBE firms listed on a City contract (prime contractor/consultant, subcontractors/subconsultants, vendors and suppliers) are required to register with, and obtain SBE certification from, the City's online vendor database, in order to receive credit toward the established SBE/VSBE/LSBE goal for that contract.

8.3 For the prime contractor/consultant to receive credit for a small business as part of the prime's commitment to meeting the established SBE/VSBE/LSBE goal for a contract, the SBE must be certified by the due date of the prime's SBE/VSBE/LSBE Commitment Plan (COLB Form SBE- or SBE- ).

8.4 To apply for VSBE status, the small business must check the "VSBE" box on its online SBE certification application. Separate VSBE certifications will not be issued. The City will determine VSBE eligibility at the time of review of the prime contractor's/consultant's SBE/VSBE/LSBE Commitment Plan.

8.5 Prior to contract award, SBE, VSBE and LSBE status shall be verified and may be audited by the City.

## **9.0 Bidders' Commitment to Meeting the Established SBE/VSBE/LSBE Participation Goals**

9.1 The three lowest responsive construction contract bidders shall submit a completed COLB Form SBE- : SBE/VSBE/LSBE Commitment Plan for Construction Contracts, indicating the dollar value and percentage of SBE/VSBE/LSBE contract participation, no later than 4:00 .p.m. one business day following bid opening.

9.2 If any of the three lowest responsive construction contract bidders does not meet the SBE/VSBE/LSBE participation goal, that bidder(s) shall submit its Good Faith Effort documentation no later than 4:00 p.m. on the third business day following bid opening. A bidder that does not meet the SBE/VSBE/LSBE participation goals and does not submit its GFE documentation is declared non-responsive and may forfeit its bidder's bond.

9.3 If all three lowest bidders are declared non-responsive, the fourth-lowest bidder shall submit its SBE/VSBE/LSBE Commitment Plan (COLB Form SBE- ) within 48 hours of written request by the City. The bidder's Commitment Plan will be evaluated by the Business Services Manager. If the bidder does not meet the combined SBE/VSBE/LSBE participation goal established for that contract, the bidder shall submit its Good Faith Effort documentation within 48 hours of request by the City.

9.4 Bidders that do not meet the SBE, VSBE or LSBE participation goal shall be deemed non-responsive unless they demonstrate that they have made an acceptable Good Faith Effort to meet the SBE/VSBE/LSBE participation goals.

9.5 Within three business days of being informed by the City that a firm is non-responsive because it has failed to meet the SBE/VSBE/LSBE participation goal and has not documented an acceptable Good Faith Effort (GFE), the bidder may request administrative reconsideration. The bidder shall make this request in writing to appropriate Managing Director who will serve as the SBE Reconsideration Official. The SBE Reconsideration Official will not be involved in the initial evaluation of the bidder's GFE. Contractors shall forfeit their right for reconsideration if they fail to act within three business days.

9.6 The reconsideration process provides an opportunity for the affected bidder to meet with the SBE Reconsideration Official to discuss the basis of the City's determination of non-responsiveness. The SBE Reconsideration Official will send the affected bidder a written decision on reconsideration, via certified mail, explaining the basis for finding that the bidder did or did not meet the participation goal or demonstrate an acceptable Good Faith Effort.

#### **10.0 Proposers' Compliance with SBE/VSBE/LSBE Participation Goals**

10.1 All proposers shall submit, with their proposal or Statement of Qualifications, a completed COLB Form SBE- : SBE/VSBE/LSBE Commitment Plan for Professional Services Contracts, indicating the estimated dollar value and percentage of SBE/VSBE/LSBE contract participation. This will demonstrate the proposer's ability or intent to meet the SBE/VSBE/LSBE participation goals.

10.2 If, during the evaluation process, the City finds that the proposer was unable to show ability or intent to meet the SBE/VSBE/LSBE goals assigned to the project, the proposer will be required to submit a Good Faith Effort in order to continue in the selection process.

10.3 Consultants shall indicate SBE/VSBE/LSBE participation levels prior to receiving authorization for a work task.

10.4 After negotiations have been completed and the Consultant contract is executed, achieving the SBE/VSBE/LSBE goal is a contractual commitment and can only be altered with written approval of the appropriate City division director, for unusual instances such as a change in scope of services.

#### **11.0 Bidder and Proposer Compliance with Good Faith Effort Evaluation Criteria**

A bidder/proposer whose bid or proposal fails to meet the SBE, VSBE or LSBE participation goal shall be found responsive if an acceptable Good Faith Effort is demonstrated. The following criteria shall be used in evaluating a bidder's/proposer's GFE:

11.1 Attend Pre-Bid/Pre-Proposal Meeting: The bidder/proposer submitted written evidence that he/she attended the pre-bid conference or pre-proposal meeting.

11.2 Subdivide the Work: The bidder/proposer prepared and followed a plan to subdivide the work into disciplines or work elements that could be economically performed by small businesses. It is the bidder's/proposer's responsibility to demonstrate that sufficient work was made available to SBEs, VSBEs and LSBEs to meet contract requirements.

11.3 Advertise: The bidder/proposer submitted written evidence of commercial advertising for small business subcontractors/subconsultants at least 14 calendar days prior to the bid/proposal due date. A copy of the advertisement showing the advertisement date(s), name of publication, type of work and amount of work that is being solicited, must be provided.

11.4 Use Public Databases: The bidder/proposer submitted written evidence of using the City's SBE/VSBE/LSBE database, shall business, minority business, and women-owned business associations, and chambers of commerce to help solicit subcontractors.

11.5 Provide Relevant Information to Small Businesses: The bidder/proposer submitted written evidence that he/she has provided interested small business with information about the requirements of the contract, and how to obtain plans and specifications, at least 14 calendar days prior to the bid/proposal due date.

11.6 Directly Solicit Small Businesses: The bidder/proposer submitted written evidence of directly soliciting for small business subcontractors/subconsultants. A copy of the written notices sent directly to SBEs, VSBEs and LSBEs must be provided. A direct solicitation should include the type of work, amount of work, and a brief specific description of the work being solicited.

11.7 Conduct Follow-Up: The bidder/proposer submitted written evidence of specific activities used to follow up initial solicitations in preparing the bid/proposal.

11.8 Offer Assistance: The bidder/proposer demonstrated that he/she has offered to assist small businesses in obtaining bonding, insurance or equipment.

11.9 Negotiate: The bidder/proposer submitted written evidence that he/she has negotiated in good faith with interested small businesses. Documentation must include company name, contact person, method of contact, and specific items that were negotiated (scope of work, materials, equipment, insurance, bonding, personnel, timing of project, etc.).

11.10 Document Bid and Negotiation Results: For any negotiations which were unsuccessful and/or bids/proposals received but not accepted, the bidder/proposer submitted

the unsuccessful bidder's/proposer's company name, telephone number, contact person, price bid (if applicable), and the reason for rejecting the bid or proposal. If price is the reason for rejecting the bid/proposal, list the price bid by both the SBE/VSBE/LSBE and the low bidder for that element of work.

Each of the 10 criteria will be assigned 10 points. The bidder/proposer must achieve a score of 70 out of a possible 100 points in order for the Business Services Manager to determine that the bidder/proposer has made an acceptable Good Faith Effort (GFE).

For detailed GFE submittal instructions and specific examples, log on to www.\_\_\_\_\_ and click on "Good Faith Effect Evaluation criteria and Submittal Instructions."

## **12.0 Utilization/Substitution of SBEs/VSBEs/LSBEs on Construction Contracts**

12.1 During the term of the contract, the prime Contractor shall be required to utilize all Subcontractors (as defined in Section 7.0 of this document) listed on its SBE/VSBE/LSBE Commitment Plan (COLB Form SBE- ), in the amount and percentage specified on the form. Any SBE/VSBE/LSBE subcontractor substitution will require prior written approval by the appropriate City division director, and must meet all State laws and statutes.

12.2 All Subcontractors listed on COLB Form SBE- , who defined work is greater than ½ of one percent of the prime contract value, must be listed on the bidder's list of Subcontractors submitted with the bid documents. If an SBE/VSBE/LSBE Subcontractor is added after submittal of the bidder's list of Subcontractors, the bidder shall follow Subcontractor listing/substitution procedures pursuant to Public Contract Code 4107 et al.

12.3 If a prime Contractor substitutes an SBE/VSBE/LSBE vendor/supplier, the Contractor shall provide proof, to the satisfaction of the appropriate City division director, that a good faith effort was made to replace that vendor's/supplier's participation percentage with another SBE/VSBE/LSBE firm, to meet the combined SBE/VSBE/LSBE participation percentage specified on the Contractor's SBE/VSBE/LSBE Commitment Plan (COLB Form SBE- ). At project close-out, if the prime Contractor fails to meet the combined SBE/VSBE/LSBE participation percentage specified on its SBE/VSBE/LSBE Commitment Plan, or fails to provide proof that it made a good faith effort to do so, the Contractor may be considered to be in material breach of contract (refer to Section 16.0).

## **13.0 Utilization/Substitution of SBEs/VSBEs/LSBEs on Professional Services Contracts**

13.1 During the term of the contract, the prime Consultant shall be required to utilize all subconsultants listed on its SBE/VSBE/LSBE Commitment Plan (COLB form SBE- ), unless the City approves a change in scope of work that would eliminate or reduce the utilization of an SBE, VSBE or LSBE subconsultant. Any SBE/VSBE/LSBE subconsultant substitutions require prior written approval by the appropriate City division director.

13.2 If a prime Consultant substitutes an SBE/VSBE/LSBE vendor/supplier, the Consultant shall provide proof, to the satisfaction of the appropriate City division director, that a good faith effort was made to replace that vendor's/supplier's participation percentage with another SBE/VSBE/LSBE firm, to meet the combined SBE/VSBE/LSBE participation percentage specified on the Consultant's SBE/VSBE/LSBE Commitment Plan.

## **14.0 Contract Amendments**

If the City approves a change order or contract amendment, the SBE/VSBE/LSBE participation goals may, at the sole discretion of the appropriate City division director, apply to the change order or contract amendment. If the additional work can be performed by SBEs, VSBEs or LSBEs that are already part of the Contractor's/Consultant's team, the SBE/VSBE/LSBE participation goals shall apply to the entire contract, including the amendment.

## **15.0 Contract Monitoring**

15.1 The prime Contractor/Consultant shall report the dollar value of payments to small businesses at project close-out. This data will be verified. Construction contractors shall submit a completed COLB Form SBE- (SBE/VSBE/LSBE Monthly Utilization Report for Construction Contracts), and consultants shall submit a completed COLB Form SBE- (SBE/VSBE/LSBE Monthly Utilization Report for Professional Services Contracts).

15.2 If a firm's SBE, VSBE or LSBE status changes prior to contract award, the firm will not receive SBE/VSBE/LSBE status for that City contract.

15.3 If an SBE, VSBE or LSBE firm listed on a prime Contractor's/Consultant's SBE/VSBE/LSBE Commitment Plan (POLB Form SBE-2C or SBE-2P) loses its SBE or VSBE status prior to contract award, the Contractor/Consultant shall replace the affected SBE/VSBE/LSBE dollar amount/percentage and shall submit for approval, a revised COLB Form SBE- or SBE- , in order to proceed with contract award.

15.4 If a firm's SBE, VSBE or LSBE status changes during the term of a contract, work performed on that contract after the firm loses its certification will continue to be credited toward meeting the SBE, VSBE or LSBE participation goal. However, the firm will not be able to receive SBE/VSBE/LSBE status on subsequent City projects unless the firm is subsequently re-certified as an SBE, VSBE or LSBE.

15.5 Substitution of any SBE, VSBE or LSBE subcontractor/subconsultant listed on a prime Contractor's/Consultant's SBE/VSBE/LSBE Commitment Plan must be approved by the appropriate City division director.

15.6 {For Construction Contracts only} Nothing herein shall be construed to supersede or limit the requirements for contractor substitutions provided in Section 4100 et seq. of the California Public Contract Code.

15.7 The Construction Manager, Program Manager, Business Services Manager, or their designee may conduct site visits and subcontractor/subconsultant/vendor/supplier interviews and telephone calls to verify proper and full utilization of SBEs, VSBEs and LSBEs to meet contract requirements. Prime contractors/consultants/vendors and SBEs/VSBEs/LSBEs shall fully cooperate with such monitoring.

## **16.0 Contract Compliance**

16.1 The Prime Contractor/Consultant may be considered in material breach of contract for any one or more of the following violations:

16.1.1 Failure to submit, in a timely manner, a SBE/VSBE/LSBE Monthly Utilization Report (COLB Form SBE- or SBE- );

16.1.2 Failure to correct discrepancies found on COLB Form SBE- or SBE- ;

16.1.3 Falsifying or misrepresenting any information provided to the City, including information provided on the City's online SBE/VSBE/LSBE database;

16.1.4 Substituting a SBE/VSBE/LSBE subcontractor/subconsultant without prior written City approval; and/or

16.1.5 Failure to meet the committed SBE/VSBE/LSBE participation percentage as listed on the prime's COLB Form SBE- or SBE- .

16.2 In addition to any other remedy the City may have under the Contract or by operation of law, the City, in its sole discretion, may impose any or all of the following provisions against Contractor/Consultant determined to be in breach of contract.

16.2.1 Assess the cost of the City's audit of the books and records of the Contractor/Consultant, subcontractors/subconsultants, and all other firms claiming SBE, VSBE or LSBE status, where such audit is necessary because the Contractor has filed to timely submit a required SBE, VSBE or LSBE program report;

16.2.2 Withhold payment up to ten percent of a monthly progress payment until the Contractor/Consultant is brought into compliance.

16.3 Within three business days of written notification of the intent to enforce any of the measure described above, the Contractor/Consultant may submit in writing a request for an administrative hearing conducted by the City's SBE Reconsideration Official, as defined in Section 9.0.

## **17.0 Small Business Facilitation**

17.1 To the extent practicable, the City will endeavor to disassemble larger construction and procurement projects into contract packages of \$15 million or less. This amount is estimated to be the current bonding limit of heavy construction SBEs.

17.2 The City will conduct pre-bid meetings for individual construction projects between advertisements and bid openings. These will provide opportunities to raise questions about the SBE/VSBE/LSBE Program, plans and specifications, and will also provide an opportunity for primes, subcontractors, vendors and suppliers to meet.

17.3 The City will conduct training forums for SBEs, VSBEs and LSBEs interested in providing contracting and/or consulting services to the City.

17.4 The City will conduct periodic Good Faith Effort/small business outreach training for prime contractors/consultants/vendors interested in working with the City.

17.5 The City will cooperate with other agencies in providing SBE/VSBE/LSBE contractor and consultant training.

17.6 The City will provide referral information to SBE/VSBE/LSBE contractors and consultants on available loan, insurance, and bonding programs that could assist small businesses.

17.7 The City will coordinate outreach activities with the appropriate divisions of the City of Long Beach.

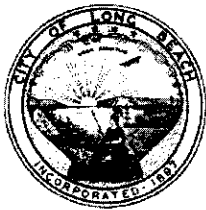


17.8 The City will participate in business and vendor fairs directed at local and small businesses.

**18.0 Periodic Review**

18.1 City staff will seek periodic comments from City contractors, consultants, and small businesses on the effectiveness of the SBE/VSBE/LSBE Program.

18.2 The Program is a pilot program, and shall be in effect for one year from the date of adoption of the ordinance, unless extended by action of the City Council. As soon as practicable following the conclusion of the initial year, City staff shall report to the City Council on the effectiveness and progress of the Program. The report shall include data on contracts issued in the preceding twelve months and payments to all SBE, VSBE and LSBE contractors, consultants, vendors and suppliers. To the extent possible, the cost effectiveness of the Program, including City staff costs, will also be measured.



**NB-20**

**Date:** March 17, 2009

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Rae Gabelich, Eighth District *RG*  
Councilmember Gerrie Schipske, Fifth District *GS*  
Councilmember Tonia Reyes Uranga, Seventh District *TRU*  
Councilmember Val Lerch, Ninth District *Val*

**Subject:** Funding allocation formula for residential street repairs

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As discussed by the City Council at its March 10 meeting, an allocation formula for infrastructure repair is needed to ensure that every district will have work completed, while additional resources are allocated to where there is the most need.

The funding for the Major and Secondary Highway Program is already allocated strictly on a need basis. Therefore, the proposed formula will apply to funds for the Citywide Residential Street Repair program in the City's annual Capital Improvement Program.

**Recommended Action:**

**Direct the City Manager to allocate all future citywide-eligible funds for residential street repairs according to the following formula:**

- 1) Half of the funds will be divided equally among the nine council districts;**
- 2) The remaining half of these funds will be distributed among the nine council districts according to each district's percentage of citywide need, as determined by the total dollar value for streets with a Pavement Condition Index (PCI) below 70 according to the current 10-year plan for repairs or the most current available assessment of need.**



**City of Long Beach Memorandum**  
*Working Together to Serve*

## REQUEST TO ADD AGENDA ITEM

**Date:** *March 13, 2009*

**To:** Larry Herrera, City Clerk

**From:** Councilmember Rae Gabelich, Eighth District  
Councilmember Gerrie Schipske, Fifth District  
Councilmember Val Lerch, Ninth District

**Subject:** Request to Add Agenda Item to Council Agenda of *March 17, 2009*

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Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

***Direct the City Manager to allocate all future citywide-eligible funds for residential street repairs according to the following formula:***

- 1) Half of the funds will be divided equally among the nine council districts;***
- 2) The remaining half of these funds will be distributed among the nine council districts according to each district's percentage of citywide need, as determined by the total dollar value for streets with a Pavement Condition Index (PCI) below 70 according to the current 10-year plan for repairs or the most current available assessment of need.***

Council District	Authorizing Councilmember	Signed by
8	Rae Gabelich	<i>[Signature]</i> for Rae Gabelich
5	Gerrie Schipske	<i>GS</i>
9	Val Lerch	<i>[Signature]</i> for Val Lerch

Attachment: Staff Report dated *March 17, 2009*